

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

RECO D. MANNING,

Plaintiff,

vs.

CORECIVIC, et al.,

Defendants.

Case No. CIV-23-137-R

**DEFENDANTS' APPLICATION FOR ORDER DIRECTING PREPARATION OF
MARTINEZ REPORT AND HOLDING IN ABEYANCE/SET DEADLINE FOR
ANSWER AND/OR DISPOSITIVE MOTIONS.**

COME NOW Defendants CoreCivic, Dickerson, McNulty, and Sullivan by and through their attorney of record Darrell L. Moore, OBA 6332 of J. Ralph Moore, P.C., hereby making application to the Court for an Order holding in abeyance Defendants' time to Answer, setting an alternate deadline for filing an answer and/or dispositive motions, and requiring the preparation and submission of a *Special Report*. In support of this application, Defendants state as follows:

1. Plaintiff Reco Manning, ID# 13004-062, was at all times relevant to this action, a person in the custody of the United States Marshals Service who was housed temporarily at Cimarron Correctional Facility between September 23, 2022, and until February 14, 2023, pursuant to a contract between CoreCivic and the US Marshals Service.
2. The last communication received from Plaintiff Manning by the Court was a change of address indicating that his current place of confinement was the Federal Correctional Institution located in Jesup, Georgia.


2. The United States Court of Appeals for the Tenth Circuit, in Martinez v. Aaron, 570 F.2d 317 (10th Cir. 1978), held that in an inmate litigation case it was an appropriate step for the District Court to Order prison officials to prepare an administrative record reviewing a plaintiff's allegations so as to enable the Court to decide preliminary issues. Several years later, in Hall v. Bellmon, 935 F.2d 1106, 1109 (10th Cir. 1991), the Tenth Circuit Court of Appeals stated: "When the pro se plaintiff is a prisoner, a court-authorized investigation and report by prison officials (referred to as a *Martinez* report) is not only proper but may be necessary to develop a record sufficient to ascertain whether there are any factual or legal bases for the prisoner's claims."

3. CoreCivic, Inc., owns and operates the Cimarron Correctional Facility, in Cushing, Oklahoma. Defendants Dickerson, McNulty and Sullivan are employed by CoreCivic at Cimarron Correctional Facility. As referenced above, the United States Marshals Service and CoreCivic have contracted to house detainees at the prison facility named "Cimarron Correctional Facility."

4. Defendants request that the Court issue an Order directing officials responsible for the operation of Cimarron Correctional Facility to prepare an administrative report for submission to the Court, consistent with the Martinez and Hall holdings. Defendants request authority to obtain and review all pertinent records including, but not limited to, financial, medical, and psychiatric records. Defendants further request the Court issue an Order holding in abeyance further discovery and their time to file an Answer and/or file dispositive motions until such time as a *Special Report* has been prepared and filed with the Court.

WHEREFORE, premises considered, Defendants hereby request the Court enter an Order requiring and authorizing Cimarron Correctional Facility prison officials to prepare and file a *Special Report*; and an Order setting deadlines for the filing of an answer and/or dispositive motion; and, for any and all further relief to which the Defendants may be entitled.

Respectfully submitted,
Defendants CoreCivic, Dickerson, McNulty
and Sullivan

BY: 

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Certificate of Service

☐ I hereby certify that on May 31, 2023, I electronically transmitted the attached document to the Clerk of Court using the ECF System for filing. Based on the records currently on file, the Clerk of Court will transmit a Notice of Electronic Filing to the following ECF registrants: (insert names)

☒ I hereby certify that on May 31, 2023, I served the attached document by regular US Mail on the following, who are not registered participants of the ECF System:

Reco Manning, # 13004-062
JESUP-FCI
2680 Highway 301 S
Jesup, GA 31599



DARRELL L. MOORE